

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL A. FISHER, : Case No. 1:16-cv-605
Plaintiff, :
vs. : Judge Timothy S. Black
DR. CATALDI, *et al.*, : Magistrate Judge Karen L. Litkovitz
Defendants. :
:

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 29)**

This civil case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and memoranda filed with this Court and, on July 12, 2017, submitted a Report and Recommendation. (Doc. 29) No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, Defendant Smith's motion to dismiss (Doc. 24) is **DENIED**.

IT IS SO ORDERED.

Date: 12/15/17

Timothy S. Black
Timothy S. Black
United States District Judge